

From: Zurita, James

Sent: Monday, February 11, 2008 7:55 PM

To: 'Don Ranft'

Subject: RE: 10_827392

Attachments: 10_827392_ProQuest_Article_20030208.htm; 10_827392_Foottraffic_webSite.doc

Mr. Ranft,

See attached re: toe socks, articles sold in pairs, can purchase 3 at a time, date:

Point taken: This season's round shoes will flatter your feet. But beware of piggy legs; [National Edition]

Mireille Silcoff. **National Post.** Don Mills, Ont.: Mar 8, 2003. pg. FA.10

See also: US 6865524, filed 01/08/1997, issued 03/08/2005

plz review.

I'm still searching, but the above is an example of what existed prior to filing date of 04/19/2004.

We will need to write around these and others I find.

Thanks. Jim zurita 571-272-6766

From: Zurita, James
Sent: Tuesday, March 04, 2008 3:48 PM
To: 'Don Ranft'
Subject: RE: 10/827,392
Mr. Ranft

Please include these materials in your response to the non-final office action of 12/04/2007.

James Zurita
Primary Examiner

From: Don Ranft [mailto:dranft@collenip.com]
Sent: Monday, March 03, 2008 2:06 PM
To: Zurita, James
Subject: 10/827,392
Importance: High

Mr. Zurita,

The revised Claim 1 which I proposed during our phone call was:

A method for creating a non-matched but coordinated product comprising:
selecting a product to be coordinated but not matched from a category of products
traditionally sold as matching pairs;
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creating the system for coordinating but not matching wherein the selected feature is coordinated based on a color scheme

Additional dependent claims would substitute the following for color scheme: design; pattern; shapes; shape sizes.

If we agree on this format for the category of products traditionally old in pairs, I then draft additional independent (and dependent) claims for each of the other 4 categories of products disclosed in the speciation. Obviously I would address all the additional prior art issues you have presented to me already.

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Regards,

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Documents

Willi Smith put whimsy in fashion:[FINAL Edition]

- *Elizabeth Sporkin. USA TODAY (pre-1997 Fulltext). McLean, Va.:Apr 20, 1987. p. 04D*

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Citation style: ProQuest Standard

Document 1 of 1

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Elizabeth Sporkin. USA TODAY (pre-1997 Fulltext). McLean, Va.:Apr 20, 1987. p. 04D

Abstract (Summary)

NEW YORK - Fashion designer Willi Smith championed young women and men who are both fashion-conscious and cost-conscious.

EAR CUTLINE:WILLI SMITH: Fashion designer dead at age 39. Appreciation

EAR PHOTO;color,Dana Fineman(FP,Willi Smith,F1);PHOTO;b/w,Dana Fineman(FP,Willi Smith,F1);PHOTO;b/w,Maggie Steber(FP,Fashion - 1987,F1)

Full Text (435 words)

Copyright USA Today Information Network Apr 20, 1987

NEW YORK - Fashion designer Willi Smith championed young women and men who are both fashion-conscious and cost-conscious.

One of the world's foremost black designers, Smith was known for his witty, street-smart and, above all, affordable clothes.

He died Friday at 39, of pneumonia apparently complicated by a parasitic disease he contracted on a trip to India. An autopsy is scheduled.

Smith prided himself on making ``real" clothes. ``I don't design clothes for the queen but the people who wave at her as she goes by."

He came close to designing for royalty last summer, however, when he created the wedding attire for Caroline Kennedy's groom, Ed Schlossberg, and the ushers.

``He was the quintessential contemporary designer with a sense of humor," says New York fashion consultant Bernard Ozer. ``People who wore his clothes always felt they were wearing `designer' clothes."

Born in Philadelphia, Smith studied at the Philadelphia College of Art and New York's Parson's School of Design. Though he began designing in the mid-'60s, his career took off in 1976 when he teamed up with Laurie Mallet to establish WilliWear.

WilliWear, which Mallet plans to continue, sold \$25 million worth of clothes last year. Its label appears in 500 USA stores and a boutique in London. A WilliWear store will open in Paris in three weeks.

His secret: never taking fashion too seriously. Inspired by the streets, he was among the first to design mightily oversized clothes and mismatch wild plaids and stripes.

``Willi was 39 but he was forever young," says Carolyn Gottfried, a New York fashion publicist who discovered Smith more than 20 years ago when she was junior sportswear editor at Women's Wear Daily.

Recently, Smith had begun to grow up. ``I'm easing my way into more sophisticated clothes," he said two weeks ago at informal presentation of his fall collection.

Smith had looked thin and tired recently, but his death startled the fashion industry. ``I was shocked," said friend and fellow designer Giorgio di Sant'Angelo. ``He was a great designer and a wonderful person."

Said designer Carol Horn: ``You're never prepared for these things. I just found a scarf he sent me when he came back from India. He was very generous and giving."

Smith's last design reflects his whimsical nature - a spider-web gown for the June wedding of comic-book character Mary Jane Watson to Marvel's Amazing Spider Man.

EAR CUTLINE:WILLI SMITH: Fashion designer dead at age 39. Appreciation

CUTLINE:WILLI SMITH: Hero of the fashion- and cost-conscious died Friday.

CUTLINE:STREET SMART: Smith's short turtleneck dress, duffle coat for fall.

[Illustration]

EAR PHOTO;color,Dana Fineman(FP,Willi Smith,F1);PHOTO;b/w,Dana Fineman(FP,Willi Smith,F1);PHOTO;b/w, Maggie Steber(FP,Fashion - 1987,F1)

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From: Don Ranft [dranft@colleenip.com]

Sent: Monday, March 03, 2008 5:57 PM

To: Zurita, James

Subject: RE: 10_827392

Mr. Zurita – unfortunately I can not access the pages you send to me. The only thing I can access is the article you include in the email. So for example the only thing I can see **related** to this application is in the word “mixed” in the header:

Contemporary style, ethnic fabric mixed | Fashion Focus; [1,2,3,4,5,6 Edition]

Lucretia Steiger. The San Diego Union. San Diego, Calif.: Oct 12, 1985. pg. C.2

I don't see any further mention or suggestion that the article of clothing has non-matching pieces and that those non-matching pieces are coordinated in accordance with a system created to achieve that coordination. Is there something more on the web page / article which I can not access that goes beyond the mere mention of the word “mixed”?

I also do not see in the toe socks web page where it discloses (or even implies) that they are sold in groupings in which the socks in the package are not matching / identical. Let's take for example the packaging of 3 socks The claims in this application would NOT prevent the packaging of 3 matching socks – even if those 3 socks were different/non-matching.. It is claiming creating 3 non-matching socks in which a feature of those socks is intentionally selected to be non-matching but yet coordinated in accordance with a system created to do so. How does the article / web page you sent disclose that?

I fully recognize and appreciate how hard you are trying to help us achieve a valid and defensible patent. I hope you also recognize that I want the same thing. If I understood better how you think any one of these cited articles you have found in last few weeks fully discloses **each and every element** of the claims I would better be able to address them – either agree or disagree.

I have yet to see in anything you have sent to me where feature on the products is created intentionally to be non-matching / identical AND that feature which is non-matching is coordinated in accordance with a system created. This is what is disclosed and claimed in this application. Please HELP me to understand where any of these references discloses that.

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Contemporary style, ethnic fabric mixed | Fashion Focus; [1,2,3,4,5,6 Edition]

Lucretia Steiger. The San Diego Union. San Diego, Calif.: Oct 12, 1985. pg. C.2

Abstract (Summary)

One of her best-selling creations is a "travel safe vest" with five zippered pockets to keep a traveler's necessities safe. She adds American crazy-quilt piecing or Japanese sashiko stitchery to 14-inch-wide handwoven cottons from abroad. Wives of Japanese farmers and fishermen developed sashiko stitching for the heavy jackets they constructed for the men.

She said she loves designing, although she misses the "teacher- counseling connection." She gets some of that by teaching a fitness class at the YMCA in Encinitas. Next project for the inventive artist will be a pre-Christmas show at Zazen, to be followed by a spring trunk show at the Clothes Gallery in Grossmont Center. Deal's designs retail for \$50 to \$500. o o o Youthful advice. Twenty North County high-school students will be Youth Advisory Board members for a program at La Jolla Village Square that is designed to enhance the marketing courses offered by their schools. For the next 15 weeks, board members will plan and put on a fashion show, write press releases, do mannequin modeling (posing as still as a mannequin), create window displays and take part in a professional photography shoot.

» [Jump to indexing \(document details\)](#)

Full Text (651 words)

Copyright Union-Tribune Publishing Co. Oct 12, 1985

West meets East. Mixing traditional ethnic fabrics with contemporary styling, Susan Deal of Carlsbad creates one-of-a-kind wearable works of art. She'll show some of her creations made of Japanese fabrics decorated with American quilting at a week-long show beginning Oct. 19 at the Kasuri Dyeworks Gallery in Berkeley.

A former college teacher who has sewn all her life, Deal, 39, gave up her job about three years ago to do what she liked best: design and make her unusual blouses, vests, jackets and coats.

"I use Japanese or Guatemalan fabrics -- for the Berkeley show just Japanese -- and design the clothes however I want them," she said. "I believe that a richness can emerge from combining design elements. I sell my things through such stores as the Creative Stitchery Gallery and Zazen in Coronado. I consider them something a little different; you won't see them coming out of the Broadway."

One of her best-selling creations is a "travel safe vest" with five zippered pockets to keep a traveler's necessities safe. She adds American crazy-quilt piecing or Japanese sashiko stitchery to 14-inch-wide handwoven cottons from abroad. Wives of Japanese farmers and fishermen developed sashiko stitching for the heavy jackets they constructed for the men.

Deal also will present a fashion show of her work for members of the San Francisco chapter of Ikebana International at the Golden Gate Hall of Flowers in San Francisco next week.

She said she loves designing, although she misses the "teacher- counseling connection." She gets some of that by teaching a fitness class at the YMCA in Encinitas. Next project for the inventive artist will be a pre-Christmas show at Zazen, to be followed by a spring trunk show at the Clothes Gallery in Grossmont Center. Deal's designs retail for \$50 to \$500. o o o Youthful advice. Twenty North County high-school students will be Youth Advisory Board members for a program at La Jolla Village Square that is designed to enhance the marketing courses offered by their schools. For the next 15 weeks, board members will plan and put on a fashion show, write press releases, do mannequin modeling (posing as still as a mannequin), create window displays and take part in a professional photography shoot.


To watch them in action, anyone interested can attend a modeling session with board members and professional photographers from the San Diego Professional Photographers Association at 6:30 p.m. Tuesday at the center. Board members also will do mannequin modeling in store windows at 10 a.m. Oct. 19, and will model in a fashion show Nov. 9.

Fashion Focus The Shibui Effect, Encinitas, will show hand- beaded holiday dresses by Sister Max in informal modeling from 11 a.m. to 4 p.m. today.

Local clothing artists who have formed Artwear Ltd. will show and sell a fall collection of original designs from 10 a.m. to 5 p.m. today at the Viscount Hotel on Harbor Island Drive. There is no admission charge. Call 297-3030 for information or reservations.

Apropos, Graf Furs, Important Impressions, Jaeger, Pavia and The Place will present "Impressions '85," a fashion show and dance today from 7:30 p.m. to 1 a.m. at Regents Square, La Jolla, to benefit the American Heart Association. For information or reservations, call 291-7454.

Phelan's at Horton Plaza has scheduled four free 45-minute fashion seminars for this week at the store; "Building Your Working Wardrobe" at 6 p.m. Monday; "Packing It In" at 12:30 p.m. Tuesday; "Fall Fashion Trends" at 6:30 p.m. Wednesday; "Accessorizing Your Fall Wardrobe" at 12:30 p.m. Thursday. Call 696-8850 for reservations.

The Parents' Association of The Bishop's School is sponsoring "An English Country Faire on Bishop's Green," a fashion show of clothes from  Nordstrom and a boutique sale of country handicrafts plus entertainment from 11:30 a.m. to 2 p.m. Friday at the school. For information or reservations, call 457-0119.





[Illustration]

1 PIC; Caption: The San Diego Union/James Skovmand

Credit: Staff Writer

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West meets East. Mixing traditional ethnic fabrics with contemporary styling, Susan Deal of Carlsbad creates one-of-a-kind wearable works of art. She'll show some of her creations made of Japanese fabrics decorated with American quilting at a week-long show beginning Oct. 19 at the Kasuri Dyeworks Gallery in Berkeley.

A former college teacher who has sewn all her life, Deal, 39, gave up her job about three years ago to do what she liked best: design and make her unusual blouses, vests, jackets and coats.

"I use Japanese or Guatemalan fabrics -- for the Berkeley show just Japanese -- and design the clothes however I want them," she said. "I believe that a richness can emerge from combining design elements. I sell my things through such stores as the Creative Stitchery Gallery and Zazen in Coronado. I consider them something a little different; you won't see them coming out of the Broadway."

One of her best-selling creations is a "travel safe vest" with five zippered pockets to keep a traveler's necessities safe. She adds American crazy-quilt piecing or Japanese sashiko stitchery to 14-inch-wide handwoven cottons from abroad. Wives of Japanese farmers and fishermen developed sashiko stitching for the heavy jackets they constructed for the men.

Deal also will present a fashion show of her work for members of the San Francisco chapter of Ikebana International at the Golden Gate Hall of Flowers in San Francisco next week.

She said she loves designing, although she misses the "teacher- counseling connection." She gets some of that by teaching a

fitness class at the YMCA in Encinitas. Next project for the inventive artist will be a pre-Christmas show at Zazen, to be followed by a spring trunk show at the Clothes Gallery in Grossmont Center. Deal's designs retail for \$50 to \$500. o o o Youthful advice. Twenty North County high-school students will be Youth Advisory Board members for a program at La Jolla Village Square that is designed to enhance the marketing courses offered by their schools. For the next 15 weeks, board members will plan and put on a fashion show, write press releases, do mannequin modeling (posing as still as a mannequin), create window displays and take part in a professional photography shoot.

To watch them in action, anyone interested can attend a modeling session with board members and professional photographers from the San Diego Professional Photographers Association at 6:30 p.m. Tuesday at the center. Board members also will do mannequin modeling in store windows at 10 a.m. Oct. 19, and will model in a fashion show Nov. 9.

Fashion Focus The Shibui Effect, Encinitas, will show hand- beaded holiday dresses by Sister Max in informal modeling from 11 a.m. to 4 p.m. today.

Local clothing artists who have formed Artwear Ltd. will show and sell a fall collection of original designs from 10 a.m. to 5 p.m. today at the Viscount Hotel on Harbor Island Drive. There is no admission charge. Call 297-3030 for information or reservations.

Apropos, Graf Furs, Important Impressions, Jaeger, Pavia and The Place will present "Impressions '85," a fashion show and dance today from 7:30 p.m. to 1 a.m. at Regents Square, La Jolla, to benefit the American Heart Association. For information or reservations, call 291-7454.

Phelan's at Horton Plaza has scheduled four free 45-minute fashion seminars for this week at the store; "Building Your Working Wardrobe" at 6 p.m. Monday; "Packing It In" at 12:30 p.m. Tuesday; "Fall Fashion Trends" at 6:30 p.m. Wednesday; "Accessorizing Your Fall Wardrobe" at 12:30 p.m. Thursday. Call 696-8850 for reservations.

The Parents' Association of The Bishop's School is sponsoring "An English Country Faire on Bishop's Green," a fashion show of clothes from Nordstrom and a boutique sale of country handicrafts plus entertainment from 11:30 a.m. to 2 p.m. Friday at the school. For information or reservations, call 457-0119.

[Illustration]

1 PIC; Caption: The San Diego Union/James Skovmand

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From: Zurita, James
Sent: Monday, February 11, 2008 7:55 PM
To: 'Don Ranft'
Subject: RE: 10_827392

Mr. Ranft,

See attached re: toe socks, articles sold in pairs, can purchase 3 at a time, date:

Point taken: This season's round shoes will flatter your feet. But beware of piggy legs; [National Edition]
*Mireille Silcoff. **National Post**. Don Mills, Ont.: Mar 8, 2003. pg. FA.10*

See also: US 6865524, filed 01/08/1997, issued 03/08/2005

plz review.

I'm still searching, but the above is an example of what existed prior to filing date of 04/19/2004.

We will need to write around these and others I find.

Thanks. Jim zurita 571-272-6766